

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL HELD AT CITY HALL
JANUARY 6, 1997 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Kelly, Maetzold, and Mayor Smith.

OATHS OF OFFICE ADMINISTERED The Oath of Office for Mayor of the Edina City Council was administered by Clerk Mangen to Glenn L. Smith, elected for a term of four years to January 1, 2001. The Oath of Office was also administered to Nan K. Faust and Michael F. Kelly, both elected for terms of four years to January 1, 2001.

APPOINTMENT OF MAYOR PRO-TEM Mayor Smith made a motion to appoint Member Maetzold as Mayor Pro-Tem. Motion seconded by Member Kelly.

Ayes: Faust, Kelly, Maetzold, Smith

Motion carried.

JAMES HOVLAND APPOINTED TO FILL COUNCIL VACANCY Mayor Smith explained the process used to fill the vacancy on the Council, "This Council has the responsibility of appointing a person to the Council to fill a vacancy. The four of us are here tonight to represent the voters of this community. It will be the first of many decisions on behalf of all 46,070 plus residents of the community. It is important to me that the record, our official historical record, reflects our process, the reasons for the selection, along with the vote.

The development of the process for filling the remaining two years of my Council position I have resigned from tonight, began just after the November election.

The statutes of the State of Minnesota provide for filling a Council vacancy by appointment and not a special election. I wanted a process that gave all eligible residents of this community a chance, I wanted a process that involved the Council Members that are seated before you tonight.

I worked with Ken Rosland and the City staff to develop an application form that would provide some background information on the applicant, that made provision for the applicant to include a resume if they desired. In addition, I included several questions for the applicant to respond to.

The application process was announced November 20, 1996 in the Edina Sun newspaper, with applications available at City Hall. Applications were due December 5, with interviews being conducted at a publicly noticed meeting on December 10, 1996. The four of us received copies of the applications, resumes and responses to the questions. We used that material to conduct the interviews.

There were seven applicants for the Council position. Those applicants were:

William "Skip" Melin	Ann Swenson
John Senior, Jr.	David Byron
Richard Hechter	Bert Finsand
Jim Hovland	

I wish to thank all of those individuals who took the time to apply, and let us interview them. They are excellent candidates.

Tonight I intend to nominate a person to fill the remaining two years of my Council position, that I feel is the best qualified person of those that applied. Had the application process not yielded the quality of people that it did, I would not have hesitated to name a non-applicant. That was not necessary.

I have been given a lot of advice, I have sought a lot of advice, including two mayors who went through this same process. It seems that each of us have put our own spin on the process. Citizens have written to me suggesting that the third candidate in the Council race should automatically get

the nod. That logic escapes me. Others have just endorsed their favorite.

Among several qualities, I think an appointed Council member has to demonstrate and bring the following to the position:

1. Have Experience - Be Involved
2. Be a Good Listener
3. Be Thoughtful and Creative
4. Be a Leader
5. Knowledgeable About the Community
6. Be Dedicated
7. Really Want the Job

I could go on, but for no further purpose.

The person I am going to nominate for appointment to the Edina City Council has the qualities I spoke of. Many of the fine applicants do. There were several who are well qualified on the basis of this criteria. Two individuals stuck out. Among them all other qualities being equal there was some quality that stuck out and made this individual a logical choice once you identified the cream.

This person really wanted the job! He ran for election and as the saying goes, put his money where his mouth was. That action on his part, not where he ranked in the November election, convinced me to nominate Jim Hovland to fill the vacancy on the Edina City Council, for a term of two years expiring December 31 1998."

Mayor Smith invited comments from the remaining members of the Council.

Member Maetzold stated that Mr. Hovland had exceptional attributes and a good understanding of Edina. He has served on the Edina Foundation Board and served as Vice Chair of the Metropolitan Council. Mr. Hovland learned much during the time he was running for office.

Mayor Smith made a motion, seconded by Member Maetzold to appoint James B. Hovland to fill the vacancy on the City Council for the two year term to January 1, 1999.

Ayes: Faust, Kelly, Maetzold, Smith

Motion carried.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Maetzold and seconded by Member Kelly to approve and adopt the Consent Agenda items as presented.

Rollcall:

Ayes: Faust, Kelly, Maetzold, Smith

Motion carried.

***MINUTES OF THE REGULAR MEETING OF DECEMBER 16, 1996, AND SPECIAL MEETING OF DECEMBER 26, 1996 APPROVED Motion made by Member Maetzold and seconded by Member Kelly approving the Minutes of the Regular Meeting of December 16, 1996, and Special Meeting of December 26, 1996.**

Motion carried on rollcall vote - four ayes.

***PERMANENT STREET SURFACING WITH CONCRETE CURB AND GUTTER/SIDEWALK IMPROVEMENT NO. BA-309 (WEST 66TH STREET BETWEEN YORK AVENUE AND FRANCE AVENUE) CONTINUED TO JANUARY 21, 1997 Motion of Member Maetzold seconded by Member Faust to continue the permanent street surfacing with concrete curb and gutter/sidewalk improvement No. BA-309 on West 66th Street between York Avenue and France Avenue to January 21, 1997.**

Motion carried on rollcall vote- four ayes.

***COMPREHENSIVE PLAN AMENDMENT FOR QUASI PUBLIC TO OFFICE (7128 FRANCE AVENUE SOUTH) SITE OF LUTHERAN CHURCH OF THE MASTER (PINEHURST PROPERTIES) CONTINUED TO JANUARY 21, 1997 Motion of Member Maetzold and seconded by Member Kelly to continue the Comprehensive Plan Amendment for Quasi**

Public to Office, 7128 France Avenue South, the site of Lutheran Church of the Master, Pinehurst Properties, to January 21, 1997.

Motion carried on rollcall vote - four ayes.

***PRELIMINARY REZONING - R-1 SINGLE DWELLING UNIT DISTRICT TO POD-1, PLANNED OFFICE DISTRICT (7128 FRANCE AVENUE SOUTH), SITE OF LUTHERAN CHURCH OF THE MASTER (PINEHURST PROPERTIES) CONTINUED TO JANUARY 21, 1997** Motion of Member Maetzold seconded by Member Kelly to continue the Preliminary Rezoning - R-1 Single Dwelling Unit District to POD-1, Planned Office District at 7128 France Avenue South, site of Lutheran Church of the Master, Pinehurst Properties to January 21, 1997.

Motion carried on rollcall vote - four ayes.

ORDINANCE 1996-6 ADOPTED - AN ORDINANCE ESTABLISHING THE FEES FOR COMMERCIAL PHOTOGRAPHY Assistant Manager Hughes reminded Council that Ordinance No. 1996-6, Establishing Fees for Commercial Photography Permits received First Reading at the December 16, 1996, Council meeting. The fees are based upon the recommendations of our Police Department and Planning Department. Staff recommends granting Second Reading.

Member Faust asked whether the Ordinance was patterned after another city. Assistant Manager Hughes replied that Edina was one of the first communities to adopt this type of ordinance. He was aware of only two local communities popular for filming locations that have similar Ordinances; Marine on St. Croix and Stillwater. Member Faust questioned allowing only one permit per location within a 180-day period was too restrictive. Assistant Manager Hughes explained the rationale for the restriction was to avoid inundating one neighborhood with filming. He concluded explaining the City that could waive the restriction in specific cases.

**Member Maetzold moved Second Reading and adoption of Ordinance No. 1996-6:
AN ORDINANCE AMENDING THE SECTION 185 OF THE CITY CODE
TO IMPOSE A FEE FOR
COMMERCIAL PHOTOGRAPHY**

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Section A of Section 185 of the City Code is amended to provide the following fees:

<u>SECTION</u>	<u>SUBSECTION</u>	<u>PURPOSE OF FEE OR CHARGE</u>	<u>AMOUNT</u>
	<u>FEE</u>		
1350	1350.06, Subd. 1 290a	Manager Permit - Still Photography	\$ 25.00
1350	1350.06, Subd. 1 290b	Manager Permit - Motion Photography	\$100.00
1350	1350.06, Subd. 2 290c	Council Permit	\$300.00

Section 2. Fee numbers 290 and 291 of Schedule A of Section 185 of the City Code are renumbered 291 and 292 respectively.

Section 3. This ordinance shall be in full force and effect upon passage.

ATTEST: _____
City Clerk

Mayor

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Kelly, Maetzold, Smith

Ordinance adopted.

***AWARD OF BID FOR ONE FULL-SIZE DODGE INTREPID 4-DOOR SEDAN** Motion made by Member Maetzold and seconded by Member Kelly for award of bid for one full-size Dodge Intrepid, 4-door sedan to Brooklyn Dodge, Inc., under Minnesota Cooperative Purchasing Agreement Contract #414105, at \$16,211.00.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR IBM DIALS UNIT INCLUDING MODEMS** Motion made by Member Maetzold and seconded by Member Kelly for award of bid for IBM Dials Unit including Modems to IBM Direct at \$8,365.00.

Motion carried on rollcall vote - four ayes.

***DESIGNATION OF DIRECTOR/ALTERNATE DIRECTOR OF SUBURBAN RATE AUTHORITY** Member Maetzold introduced the following resolution seconded by Member Kelly and moved adoption:

**RESOLUTION DESIGNATING DIRECTOR AND
ALTERNATE DIRECTOR TO SUBURBAN RATE AUTHORITY**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota as follows: John C. Wallin is hereby designated to serve as a Director of the Suburban Rate Authority, and Eric R. Anderson is hereby designated to serve as Alternate Director of the Suburban Rate Authority for the year 1997 and until their successors are appointed.

Adopted this 6th day of January, 1997.

Motion carried on rollcall vote - four ayes.

***RESOLUTION DESIGNATING DIRECTOR/ALTERNATE OF LOGIS** Member Maetzold introduced the following resolution, seconded by Member Kelly and moved adoption:

**RESOLUTION DESIGNATING DIRECTOR
AND ALTERNATE DIRECTOR TO LOGIS**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota as follows: John C. Wallin is hereby designated as a Director of LOGIS and Kenneth E. Rosland is hereby designated as Alternate Director of LOGIS for the year 1997 and until their successors are appointed.

Adopted this 6th day of January, 1997.

Motion carried on rollcall vote - four ayes.

***RESOLUTION DESIGNATING OFFICIAL NEWSPAPER** Motion made by Member Maetzold and seconded by Member Kelly for adoption of the following resolution:

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

BE IT RESOLVED by the Edina City Council that the Edina Sun-Current be and is hereby designated as the Official Newspaper for the City of Edina for the year 1997.

Adopted this 6th day of December 6, 1997.

Motion carried on rollcall vote - four ayes.

***SIGNATORY RESOLUTION ADOPTED** Motion made by Member Maetzold and seconded by Member Kelly for adoption of the following resolution:

SIGNATORY RESOLUTION

BE IT RESOLVED by the Edina City Council that the persons holding office as Mayor, Manager and Treasurer of the City of Edina, be, and they hereby are, authorized to act for this municipality in the transaction of any banking business with First Bank National Association, Americana State Bank of Edina, Fidelity Bank, Norwest Bank Minnesota NA, Richfield Bank and Trust Co. and National City Bank/Southdale Office (hereinafter referred to as the "Bank") from time to time and until written notice to any Bank to the contrary, to sign checks against said accounts, which checks will be signed by the Mayor, Manager and City Treasurer. Each bank is hereby authorized and directed to honor and pay any checks

against such account if signed as above described, whether or not said check is payable to the order of, or deposited to the credit of, any officer or officers of the City, including the signer or signers of the check.

Adopted this 6th day of January, 1997.

Motion carried on rollcall vote - four ayes.

***RESOLUTION AUTHORIZING FACSIMILE SIGNATURES** Motion made by Member Maetzold and seconded by Member Kelly for adoption of the following resolution:

**RESOLUTION AUTHORIZING THE USE OF
FACSIMILE SIGNATURES BY PUBLIC OFFICIALS**

BE IT RESOLVED that the use of facsimile signatures by the following named persons:

GLENN L. SMITH	Mayor
KENNETH E. ROSLAND	City Manager
JOHN WALLIN	Treasurer

on checks, drafts, warrants, warrant-checks, vouchers or other orders of public funds deposited in First Bank National Association, Americana State Bank of Edina, Fidelity Bank, Norwest Bank Minnesota NA, Richfield Bank and Trust Co., and National City Bank/Southdale Office, be and hereby is approved, and that each of said persons may authorize said depository banks to honor any such instrument bearing his facsimile signature in such form as he may designate and to charge the same to the account in said depository bank upon which drawn as fully as thought it bore his manually written signature and that instruments so honored shall be wholly operative and binding in favor of said depository bank although such facsimile signature shall have been affixed without his authority.

Adopted this 6th day of January, 1997.

Motion carried on rollcall vote - four ayes.

***RESOLUTION DESIGNATING DEPOSITORIES FOR PUBLIC FUNDS OF THE CITY** Motion made by Member Maetzold and seconded by Member Kelly for adoption of the following resolution:

RESOLUTION DESIGNATING DEPOSITORIES

BE IT RESOLVED by the Edina City Council that the First Bank National Association, Americana State Bank of Edina, Fidelity Bank, Norwest Bank Minnesota NA, and Richfield Bank and Trust, Co., authorized to do banking business in Minnesota, be and hereby are designated as Official Depositories for the Public Funds of the City of Edina, County of Hennepin, Minnesota, until January 1, 1997.

Adopted this 6th day of January, 1997.

Motion carried on rollcall vote - four ayes.

RESOLUTION DESIGNATING NATIONAL CITY BANK/SOUTHDALE AS OFFICIAL DEPOSITORY Member Maetzold stated he is an officer of the National City Bank/Southdale and would abstain in the discussion and vote designating National City Bank/Southdale as an official depository.

Member Kelly introduced the following resolution and moved its approval:

RESOLUTION DESIGNATING DEPOSITORY

BE IT RESOLVED that the National City Bank/Southdale Office, Edina, MN, authorized to do banking business in Minnesota, be and hereby is designated as an Official Depository for the Public Funds of the City of Edina, County of Hennepin, Minnesota, until January 1, 1998.

Adopted this 6th day of January, 1997. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Kelly, Smith

Abstaining: Maetzold

Resolution adopted.

APPOINTMENT MADE TO COMMUNITY EDUCATION SERVICES BOARD Manager Rosland noted that a Council Member vacancy exists on the Community Education Services Board. Member Maetzold volunteered to be appointed to fill the vacancy.

Mayor Smith made a motion appointing Member Maetzold to serve on the Community Education Services Board as a Council Member appointee. Member Faust seconded the motion.

Ayes: Faust, Kelly, Smith

Motion carried.

REPORT GIVEN ON COMMUNITY NOTIFICATION OF SEX OFFENDERS Chief Bernhjelm informed Council the 1996 session of the Minnesota Legislature passed the Community Notification Law providing for notification of local law enforcement agencies prior to release of convicted sex offenders from corrections or treatment facilities. The law enforcement agency serving the area where the offender intends to reside will receive a minimum 60-day notice to evaluate the assigned risk level and to develop a plan to notify the community of the release. The law directed that each law enforcement agency adopt a policy governing the preparation for and the release of information about the offender. The Peace Officers Standards and Training (POST) Board was directed to meet with representatives of victims, law enforcement, corrections and others to develop a model policy for agencies to use. The Edina Police Department has adopted this model policy.

Chief Bernhjelm noted information from POST had been included with the packet. Presently, no notification of pending releases have been noted. A process has been established to communicate with schools and daycare centers about this issue. On January 30, 1997, daycare providers will be presented information on sex offenders. The meeting is open to the public.

No further action was required.

MEMBER SOUGHT FOR APPOINTMENT TO ASSOCIATION OF METROPOLITAN MUNICIPALITIES BOARD Manager Rosland noted that the Association of Metropolitan Municipalities (AMM) Board is seeking interested persons to serve on their board. He asked that persons interested in serving on the AMM Board to let him know.

CLAIMS PAID Member Maetzold made a motion to approve payment of the following claims as shown in detail on the Check Register dated January 2, 1997, and consisting of 23 pages: General Fund \$248,003.94; Communications \$6,621.75; Working Capital \$10,921.62; Art Center \$6,367.16; Swimming Pool Fund \$13.58; Golf Course Fund \$19,491.11; Ice Arena Fund \$2,354.24; Gun Range Fund \$107.28; Edinborough/Centennial Lakes \$15,328.90; Utility Fund \$293,353.71; Storm Water Utility Fund \$3,652.78; Recycling Fund \$65.10; Liquor Dispensary Fund \$150,648.95; Construction Fund \$5,630.63; Park Bond Fund \$66,359.00; **TOTAL \$828,919.75.** Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 7:50 P.M.

City Clerk